

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

<p>NORTHEAST CONTROLS, INC. and ST. PAUL MERCURY INSURANCE COMPANY</p> <p>Plaintiffs,</p> <p>v.</p> <p>FISHER CONTROLS INTERNATIONAL, LLC</p> <p>Defendant.</p>	<p>NO. 06-412</p> <p>AFFIDAVIT OF DANIEL J. GUNTER IN SUPPORT OF DEFENDANT FISHER'S RESPONSE TO PLAINTIFFS' MOTION FOR ENTRY OF MONEY JUDGMENT AND MOTION TO AMEND OR ALTER JUDGMENT</p>
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STATE OF WASHINGTON)
) ss.
County of King)

I, DANIEL J. GUNTER, being duly sworn, depose and state as follows:

I am one of the attorneys representing defendant Fisher Controls International, LLC, in the above matter. I am competent to attest as to the matters set forth herein, and I make this affidavit based on my personal knowledge.

1. Twelve depositions were taken in this matter. Counsel for Fisher noted and took the depositions of the following witnesses: Gerard Muller, Bhim Bhakoo, David Pope, Guido Karcher, Dean Murtagh, Michael Peters, Steve Sabia, Albert Cappellini, and James Semple.

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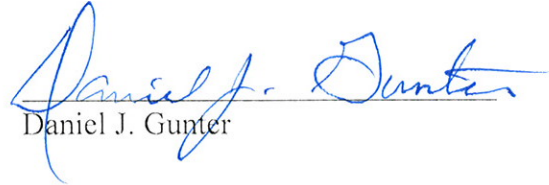
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2. Counsel for plaintiffs noted and took the depositions of the following witnesses: Michael Mason, James Montgomery, and Robert Mostello. The depositions of Michael Mason and James Montgomery were taken telephonically and completed in less than one day.


Daniel J. Gunter

Subscribed and sworn to before me this 8th day of February, 2008.


Printed Name: Molly J McInnis
Notary Public, State of Washington
Residing at Enumclaw
My commission expires: 9/08/11

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

<p>NORTHEAST CONTROLS, INC., 3 Enterprise Avenue Clifton Park New York, NY 12065</p> <p>ST. PAUL MERCURY INSURANCE COMPANY 385 Washington Street St. Paul, MN 55102</p> <p>Plaintiffs,</p> <p>v.</p> <p>FISHER CONTROLS INTERNATIONAL, LLC 205 S. Center Street Marshalltown, Iowa 50158</p> <p>Defendant.</p>	<p>C.A. No.: 06-412 SLR</p> <p>PROPOSED ORDER AS TO DEFENDANT FISHER CONTROLS INTERNATIONAL, LLC'S BRIEF IN RESPONSE TO PLAINTIFFS' MOTION FOR ENTRY OF MONEY JUDGMENT AND MOTION TO AMEND OR ALTER JUDGMENT</p>
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ORDER

Upon consideration of Plaintiff's Motion for Entry of Money Judgment and
Motion to Amend or Alter Judgment,

IT IS SO ORDERED this _____ day of _____, 2008
that:

Plaintiff's Motion for Entry of Money Judgment and Motion to Amend or Alter
Judgment is hereby DENIED.

The Honorable Sue L. Robinson